

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

TERRY DIXON and
MICHAEL FITZPATRICK,

Plaintiffs,

v.

ROBERT ARMSTRONG and
DANA ARMSTRONG,

Defendants.

No. 06-5038-CV-W-DW

ORDER

Pending before the Court is Plaintiffs' motion for voluntary dismissal (Doc. 3). Pursuant to Fed. R. Civ. P. 41(a)(1)(i), a plaintiff may dismiss an action prior to the service of an answer by the adverse party. As no answer has been filed in the above-captioned matter, dismissal is appropriate. Accordingly, the Court GRANTS the motion and this action is dismissed *without prejudice*.

IT IS SO ORDERED.

/S/ DEAN WHIPPLE
Dean Whipple
United States District Court

Date: April 24, 2006